

**Hearing Date and Time: June 29, 2010, at 11:00 a.m. ET**  
**Objection Deadline: June 17, 2010 at 4:00 p.m. ET**

TOBIN & TOBIN  
JOHN P. CHRISTIAN, ESQ., SBN 111444  
500 Sansome Street, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3211  
Telephone: (415) 433-1400  
Facsimile: (415) 433-3883

Attorneys for John Rosekrans

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

LEHMAN BROTHERS HOLDINGS, INC., et al.

Debtor

**Chapter 11**  
**Case No: 08-13555 (JMP)**

**(Jointly Administered)**

**DECLARATION OF JOHN P. CHRISTIAN IN SUPPORT OF RESPONSE  
OF JOHN ROSEKRANS TO DEBTORS AND DEBTORS IN  
POSSESSION FIFTEENTH OMNIBUS OBJECTION TO CLAIMS**

I, John P. Christian, declare as follows:

1. I am a shareholder in the law firm of Tobin & Tobin, attorneys for Claimant, John Rosekrans. The following facts are of my own personal knowledge, and if called upon to testify as to such facts and would do so competently.

2. The Debtors' Fifteenth Omnibus Objection, as it pertains to John Rosekrans, is premised upon the fact that the face page of the Proof of Claim form does not reference a dollar

amount, but, instead, references Euros, i.e., a foreign currency. A true and correct copy of the Proof of Claim filed on behalf of John Rosekrans is attached hereto as Exhibit "A" and is incorporated herein by reference. The documentation included in the Proof of Claim includes Euro and dollar amounts based upon Lehman's currency conversion rates. Mr. Rosekrans' claim arises from a wire transfer around the time of the Lehman bankruptcy petition filing, directed by Mr. Rosekrans, which was never received by the intended recipient.

3. I have attached correspondence relating to the claims of John Rosekrans in both this bankruptcy case and the parallel SIPA proceedings, to provide context to the Court. There is nothing mysterious or elusive about the Rosekrans claim. Indeed, the exhibits to this Declaration evidence a certain familiarity with this claim among the professionals guiding this estate and the SIPA proceeding.

4. Attached hereto as Exhibit "B" is a true and correct copy of my letter to Jared M. Goodman dated February 6, 2009.

5. Attached hereto as Exhibit "C" is a true and correct copy of my letter to Daniel S. Lubell dated April 14, 2009.

6. Attached hereto as Exhibit "D" is a true and correct copy of my letter to Rebecca R. Zubaty dated June 2, 2009.

7. Attached hereto as Exhibit "E" is a collection of email exchanges between the undersigned and legal representatives of this estate, the trustee, and/or the SIPA proceedings.

8. Attached hereto as Exhibit "F" is a true and correct copy of the SIPA liquidation trustee's allowance of Mr. Rosekrans' claim in the amount of \$921,904.30 based upon a claim filed in the amount of \$641,190.92 Euros.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16<sup>th</sup> day of June, 2010, at San Francisco, California.

Dated: San Francisco, California  
June 16, 2010

Respectfully submitted,

TOBIN & TOBIN

By:           /s/ John P. Christian            
500 Sansome Street, Suite 800  
San Francisco, CA 94111  
Telephone: (415) 433-1400  
Facsimile: (415) 433-3883

Attorneys for John Rosekrans

## **EXHIBIT "A"**

<b>United States Bankruptcy Court/Southern District of New York</b> Lehman Brothers Holdings Claims Processing Center c/o Epiq Bankruptcy Solutions, LLC PDR Station, P.O. Box 5076 New York, NY 10150-5076		<b>PROOF OF CLAIM</b>	
In Re: Lehman Brothers Holdings Inc., et al. Debtors.	Chapter 11 Case No. 08-13555 (JMP) (Jointly Administrated) Case No. of Debtor	<b>THIS SPACE IS FOR COURT USE ONLY</b>	
Name of Debtor Against Which Claim is Held			
<small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense must be filed pursuant to 11 U.S.C. § 503. Additionally, this form should not be used to make a claim for Lehman Program Securities (See definition on reverse side).</small>			
Name and address of Creditor: (and name and address where notices should be sent if different from Creditor)  <b>John Rosekrans</b> <b>c/o John P. Christian</b> <b>Tobin &amp; Tobin</b> <b>500 Sansome Street, Suite 800</b> <b>San Francisco, CA 94111</b> <b>415-433-1400 jchristian@tobinlaw.com</b> Telephone number: Email Address:		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Name and address where payment should be sent (if different from above)  <b>As Above</b>		Telephone number: Email Address:	
<b>1. Amount of Claim as of Date Case Filed: \$ EURO 641,190.92</b> If all or part of your claim is secured, complete Item 4 below; however, if all of your claim is unsecured, do not complete Item 4. If all or part of your claim is entitled to priority, complete Item 5. If all or part of your claim qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9), complete Item 6. <input type="checkbox"/> Check this box if all or part of your claim is based on a Derivative Contract.* <input type="checkbox"/> Check this box if all or part of your claim is based on a Guarantee.* <b>*IF YOUR CLAIM IS BASED ON AMOUNTS OWED PURSUANT TO EITHER A DERIVATIVE CONTRACT OR A GUARANTEE OF A DEBTOR, YOU MUST ALSO LOG ON TO <a href="http://www.lehman-claims.com">http://www.lehman-claims.com</a> AND FOLLOW THE DIRECTIONS TO COMPLETE THE APPLICABLE QUESTIONNAIRE AND UPLOAD SUPPORTING DOCUMENTATION OR YOUR CLAIM WILL BE DISALLOWED.</b> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or additional charges. Attach itemized statement of interest or charges to this form or on <a href="http://www.lehman-claims.com">http://www.lehman-claims.com</a> if claim is based on a Derivative Contract or Guarantee.		<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a).</b> If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim:  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries or commissions (up to \$10,950), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____).  Amount entitled to priority: \$ _____	
<b>2. Basis for Claim: A EURO Dollar Cash Balance</b> (See instruction #2 on reverse side.)		<b>FOR COURT USE ONLY</b>  <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;">                         SEP 22 2009   <b>EPIQ BANKRUPTCY SOLUTIONS, LLC</b> </div>	
<b>3. Last four digits of any number by which creditor identifies debtor: 8054</b> <b>3a. Debtor may have restructured account as: 8054</b> (See instruction #3a on reverse side.)			
<b>4. Secured Claim (See instruction #4 on reverse side.)</b> Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other  Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <b>EURO 641,190.92</b>			
<b>6. Amount of Claim that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9): \$ _____</b> (See instruction #6 on reverse side.)			
<b>7. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. <b>8. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements. Attach redacted copies of documents providing evidence of perfection of a security interest. (See definition of "redacted" on reverse side.) If the documents are voluminous, attach a summary. <b>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</b> If the documents are not available, please explain: _____		<b>FOR COURT USE ONLY</b>  <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;">                         SEP 22 2009   <b>EPIQ BANKRUPTCY SOLUTIONS, LLC</b> </div>	
Date: 9/22/2009 Signature: The person filing this claim must sign it. Sign and print name and title (Name of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.) <b>John P. Christian, Attorney for John Rosekrans</b>			
<b>Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.</b>			

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

## Items to be completed in Proof of Claim form

### Name of Debtor, and Case Number:

YOU MUST INDICATE THE SPECIFIC DEBTOR AGAINST WHICH YOUR CLAIM IS ASSERTED, INCLUDING THE NAME OF THE DEBTOR AND THE RELATED CASE NUMBER (DEBTOR'S AND CASE NUMBERS LISTED BELOW), IN THE SPACE ALLOTTED AT THE TOP OF THE CLAIM FORM.

08-13555	Lehman Brothers Holdings Inc.	08-13905	CES Aviation LLC
08-13600	LB 745 LLC	08-13906	CES Aviation V LLC
08-13888	Lehman Brothers Commodity Services Inc.	08-13907	CES Aviation IX LLC
08-13888	Lehman Brothers Special Financing Inc.	08-13908	East Dover Limited
08-13893	Lehman Brothers OTC Derivatives Inc.	09-10108	Luxembourg Residential Properties Loan Finance S.A.s.l.
08-13899	Lehman Brothers Derivative Products Inc.	09-10137	DNC Mortgage LLC
08-13900	Lehman Commercial Paper Inc.	09-10558	Structured Asset Securities Corporation
08-13901	Lehman Brothers Commercial Corporation	09-10560	LB Rosa Ranch LLC
08-13902	Lehman Brothers Financial Products Inc.	09-12516	LB 2080 Kalkaska Owners LLC
08-13904	Lehman Securities Finance L.P.	08-13654	FAMI Stellar Arms LLC

If your claim is against multiple Debtors, complete a separate form for each Debtor.

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy Filing. Follow the instructions concerning whether to complete items 4, 5 and 6. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card.

### 3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

### In, Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

### 4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount paid due on the claim as of the date of the bankruptcy filing.

### 5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a):

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Amount of Claim that Qualifies as an Administrative Expense under 11 U.S.C. §503(b)(9):

State the value of any goods received by the debtor within 20 days before the date of commencement in which the goods have been sold in the debtor in the ordinary course of the debtor's business.

### 7. Creditor:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

### 8. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). Do not send original documents, as attachments may be destroyed after scanning.

### Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5003(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

### Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

### Claim

A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101(5). A claim may be secured or unsecured.

### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the Claims Agent at the following address:  
Lehman Brothers Holdings Claims Processing  
c/o Epiq Bankruptcy Solutions, LLC  
PDR Station, PO Box 5076  
New York, NY 10150-5076

### Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment in a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claims Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, added out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### Derivative Contract

A contract that is any of (i) a "swap agreement" as such term is defined in section 101(53B) of the Bankruptcy Code or (ii) a "forward contract" as such term is defined in section 101(25) of the Bankruptcy Code. A cash-market purchase or sale of a security or loan (i.e. any purchase or sale of a security or loan for settlement within the standard settlement cycle for the relevant market), exchange-traded future or option, securities loan transaction, repurchase agreement in respect of securities or loans, and any guarantee or reimbursement obligations which would otherwise be included in the definition of such terms in the Bankruptcy Code shall not be considered a Derivative Contract for the purposes of this definition nor shall any notes, bonds, or other securities issued by the Debtors or their affiliates (including, but not limited to, Lehman Brothers Holdings Inc., Lehman Brothers Treasury Co. B.V., Lehman Brothers Bankshares AG, Lehman Brothers Holdings plc, Lehman Brothers Securities N.V., and Lehman Brothers (Luxembourg) Equity Finance S.A.).

### Guarantee

A promise, representation or agreement to answer for the payment of some debt or the performance of some duty in case of the failure of another person or entity who is liable in the first instance.

### Lehman Programs Securities

Lehman Programs Securities means those securities included on the Lehman Programs Securities list available on <http://www.lehman-docket.com> as of July 27, 2009.

## INFORMATION

### Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim, or you may access the Claims Agent's system (<http://www.lehman-docket.com>) to view your filed proof of claim.

### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.

FILED / RECEIVED

SEP 22 2009

EPIQ BANKRUPTCY SOLUTIONS, LLC



**CUSTOMER CLAIM FORM  
LEHMAN BROTHERS INC.**

John S. Rosekrans  
Account# 83318054  
68 Locust Ave.  
Mill Valley, CA 94941-2134

Daytime Phone: 415-388-6160  
Email: JROSE@AGER.COM  
Contact Person: JOHN ROSEKRANS  
Taxpayer I.D. Number  
(Social Security No.): 508-84-0249

**PLEASE NOTE**

- A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT.
- TO BE ELIGIBLE FOR THE MAXIMUM PROTECTION AFFORDED UNDER THE SECURITIES INVESTOR PROTECTION ACT ("SIPA"), ALL CUSTOMER CLAIMS SHOULD BE RECEIVED BY THE TRUSTEE ON OR BEFORE JANUARY 30, 2009; THE TRUSTEE WILL DETERMINE WHETHER CLAIMS MEET THE STATUTORY REQUIREMENTS FOR "CUSTOMER" CLAIMS UNDER SIPA; INCLUSION OF A CLAIM OR CLAIM TYPE ON THIS CLAIM FORM IS NOT DETERMINATIVE OF CUSTOMER STATUS UNDER SIPA.
- THE DEADLINE FOR FILING ALL CLAIMS IS JUNE 1, 2009. NO CLAIM WILL BE ALLOWED IF IT IS RECEIVED AFTER THAT DATE.
- ALL CLAIMS ARE DATED AS OF THE DATE RECEIVED BY THE TRUSTEE.
- YOU MAY FILE YOUR CLAIM ELECTRONICALLY ONLINE AT WWW.LEHMANTRUSTEE.COM OR SEND YOUR COMPLETED AND SIGNED CLAIM FORM TO THE TRUSTEE VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED.
- IF YOUR ACCOUNT HAS BEEN TRANSFERRED TO ANOTHER BROKERAGE FIRM, BUT YOU BELIEVE YOU HAVE A CLAIM FOR PROPERTY OWED TO YOU BY LEHMAN BROTHERS INC., YOU MUST FILE A CLAIM TO PROTECT YOUR RIGHTS.
- LEHMAN BROTHERS INC. IS THE ONLY LEHMAN ENTITY THAT IS A DEBTOR IN THIS SIPA LIQUIDATION PROCEEDING. THIS CUSTOMER CLAIM FORM APPLIES ONLY TO LEHMAN BROTHERS INC. AND DOES NOT APPLY TO ANY OTHER LEHMAN ENTITY, INCLUDING ANY ENTITY IN A PROCEEDING UNDER CHAPTER 11 OF TITLE 11 OF THE UNITED STATES CODE.

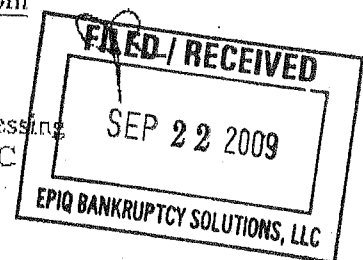
This claim form must be completed electronically online at www.lehmantrustee.com or mailed promptly, together with supporting documentation, to the following:

If by first class mail:

Lehman Brothers Inc. Claims Processing  
c/o Epiq Bankruptcy Solutions, LLC  
P.O. Box 6389  
Portland, OR 97228-6389

If by overnight mail:

Lehman Brothers Inc. Claims Processing  
c/o Epiq Bankruptcy Solutions, LLC  
10300 SW Allen Blvd  
Beaverton, OR 97005



## **EXHIBIT "B"**



**TOBIN & TOBIN**

A PROFESSIONAL CORPORATION

500 SANSOME STREET

EIGHTH FLOOR

SAN FRANCISCO, CALIFORNIA 94111-3214

FACSIMILE (415) 433-3883

(415) 433-1400

JOHN P. CHRISTIAN  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com)

RICHARD TOBIN (1852-1887)  
ROBERT TOBIN (1875-1889)  
CYRIL R. TOBIN (1905-1977)

February 6, 2009

Jared M. Goodman, Esq.  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, New York 10004-1482

Via Email: [Goodman@hugheshubbard.com](mailto:Goodman@hugheshubbard.com)

**Re: John S. Rosekrans – Account No. 83318054**

Dear Mr. Goodman:

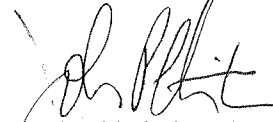
Thank you for so promptly returning my telephone call to you of earlier today. As we discussed, I represent John S. Rosekrans with respect to his Lehman/Barclays Account No. XXX-X8054. As you know from our discussion, and from your familiarity with other account holders similarly-situated, Mr. Rosekrans has yet to receive the funds or the beneficial use of funds which belong to him, notwithstanding his wire authorization of September 16 2008. This five-month delay truly stretches the meaning of “administrative freeze.” The amount involved is not insignificant, and I would appreciate your taking an interest in moving this matter towards resolution as expeditiously as possible.

Per your request, I enclose a copy of the SIPC Customer Claim Form submitted on behalf of Mr. Rosekrans in December. This should provide you with the necessary background information. If you need anything further, please do not hesitate to contact me.

My direct dial is 415-772-9615. I look forward to hearing from you.

Very truly yours,

TOBIN & TOBIN



John P. Christian

Encl.

cc: John S. Rosekrans  
jpc\Goodman020609ltr

## **EXHIBIT "C"**

**TOBIN & TOBIN**

A PROFESSIONAL CORPORATION

500 SANSOME STREET

EIGHTH FLOOR

SAN FRANCISCO, CALIFORNIA 94111

FACSIMILE (415) 433-3883

(415) 433-1400

JOHN P. CHRISTIAN  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com)

RICHARD TOBIN (1852-1887)  
ROBERT TOBIN (1875-1889)  
CYRIL R. TOBIN (1905-1977)

April 14, 2009

Daniel S. Lubell, Esq.  
Partner  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, NY 1004-1482

**Via Email**

**Re: Lehman Brothers Inc.**

Dear Mr. Lubell:

Thank you for taking my call today. As I mentioned, we represent John Rosekrans in this matter. For your ease of reference, and to facilitate discussions at your upcoming meeting with representatives of Citibank, I enclose a copy of the SIPC Claim filed on behalf of Mr. Rosekrans, and related correspondence.

I look forward to hearing from you.

Very truly yours,

TOBIN & TOBIN

John P. Christian

JPC/gb  
Enclosures

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## **EXHIBIT “D”**

**TOBIN & TOBIN**

A PROFESSIONAL CORPORATION

500 SANSOME STREET

EIGHTH FLOOR

SAN FRANCISCO, CALIFORNIA 94111-3214

FACSIMILE (415) 433-3883

(415) 433-1400

JOHN P. CHRISTIAN  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com)

RICHARD TOBIN (1852-1887)  
ROBERT TOBIN (1875-1889)  
CYRIL R. TOBIN (1905-1977)

June 2, 2009

Rebecca R. Zubaty, Esq.,  
PAUL WEISS  
1285 Avenue of the Americas  
New York, NY 10019-6064

Via Email: [rzubaty@paulweiss.com](mailto:rzubaty@paulweiss.com)

**Re: John S. Rosekrans – Account No. 83318054**

Dear Ms. Zubaty:

It was a pleasure speaking with you today. I'm sorry I wasn't at my desk last night at 7:15 p.m. when you left your message! As we discussed, I represent John S. Rosekrans with respect to his Lehman/Barclays Account No. XXX-X8054. As you know from our discussion, and from your familiarity with other account holders similarly-situated, Mr. Rosekrans has yet to receive the funds or the beneficial use of funds which belong to him, notwithstanding his wire authorization of September 16 2008. This nine-month delay truly stretches the meaning of "administrative freeze". Thank you for confirming that the funds are sitting in a non-segregated account of LBI in London against which Citibank continues to evaluate its potential set-off rights. I acknowledge that the final decision does not rest with you, that you are in discussions with English counsel, and that you expressed hope that a resolution may be near. As I shared with you, we have been hearing that "a resolution may be near" for many months. When I asked you the patently unfair question -- "what would you do if you were in Mr. Rosekrans' position?"-- you deftly (and not surprisingly) responded that you could not respond. The amount involved is not insignificant, and I would appreciate your taking an interest in moving this matter towards resolution as expeditiously as possible.

Per our discussion, I enclose a copy of the SIPC Customer Claim Form submitted on behalf of Mr. Rosekrans in December. As we agreed, we will talk again on Thursday.

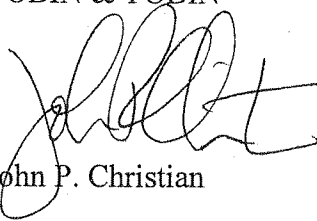
TOBIN & TOBIN

Rebecca R. Zubaty, Esq.  
PAUL WEISS  
June 2, 2009  
Page 2

I look forward to speaking with you then.

Very truly yours,

TOBIN & TOBIN



John P. Christian

JPC/gfb  
Enclosure

cc: John S. Rosekrans (via email)

## **EXHIBIT “E”**

**John Christian**

---

**From:** Goodman, Jared [goodman@HughesHubbard.COM]  
**Sent:** Tuesday, February 10, 2009 2:31 PM  
**To:** John Christian  
**Subject:** RE: John Rosekrans

John,

Yes we reviewed what you have sent and it appears that the funds are in a Citibank London account. We are supposed to meet with Citibank the week of the 23rd regarding the Citibank London account where the funds are residing. We expect that we should have internal agreement on the treatment of that account a couple of weeks afterward. In the meanwhile, if you filed a customer claim, then your claim is on a dual track. If not, please file a general claim. The deadline for customer claims has passed. Please let me know if you have any questions.

---

**From:** John Christian [mailto:jchristian@tobinlaw.com]  
**Sent:** Tuesday, February 10, 2009 5:21 PM  
**To:** Goodman, Jared  
**Subject:** John Rosekrans

Jared – given the magnitude of funds suspended in transit somewhere, it should not surprise you that my client is most anxious to get this matter resolved. Have you had an opportunity to review the claim materials I emailed to you last Friday? Wondering where we go from here. Thanks.

John P. Christian, Esq.  
Tobin & Tobin  
500 Sansome Street, 8th Floor  
San Francisco, CA 94111  
415-433-1400  
415-772-9615 (direct dial)  
415-433-3883 (fax)  
[www.tobinlaw.com](http://www.tobinlaw.com) (website)  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com) (e-mail)

\*\*\*\*\*

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\*\*\*\*\*



**John Christian**

---

**From:** Rebecca Zubaty [RZubaty@paulweiss.com]  
**Sent:** Friday, June 05, 2009 3:54 PM  
**To:** jchristian@tobinlaw.com  
**Subject:** John Rosekrans

Mr. Christian,

Please see the attached letter.

Regards,  
Rebecca

**Rebecca Zubaty** | Associate  
**Paul, Weiss, Rifkind, Wharton & Garrison LLP**  
1285 Avenue of the Americas | New York, NY 10019-6064  
(212) 373-3633 (Direct Phone) | (212) 492-0633 (Direct Fax)  
[rzubaty@paulweiss.com](mailto:rzubaty@paulweiss.com) | [www.paulweiss.com](http://www.paulweiss.com)

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FACSIMILE (212) 757-3990

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RANDOLPH E. PAUL (1946-1956)  
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LOUIS S. WEISS (1927-1950)  
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BEIJING 100020  
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FACSIMILE (86-10) 6530-9070/9080

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WRITER'S DIRECT FACSIMILE  
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WRITER'S DIRECT E-MAIL ADDRESS  
rzubaty@paulweiss.com

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KAYE N. YOSHINO  
TONG YU  
TRACEY A. ZACCONE  
T. ROBERT ZOCHOWSKI, JR.

June 5, 2009

Via Email & Federal Express

John P. Christian  
Tobin & Tobin  
500 Sansome Street  
Eighth Floor  
San Francisco, CA 94111-3214

Re: John Rosekrans

Dear Mr. Christian:

We have received your letter dated June 2, 2009 and copy of Mr. Rosekrans's proof of claim against Lehman Brothers Inc. ("LBI"). I also understand that you tried reaching me yesterday and today by telephone.

We have recently become aware through discussions with Hughes, Hubbard & Reed ("Hughes Hubbard") of certain alleged third party claims to funds in a general proprietary LBI deposit account held at Citibank. We are reviewing information that Hughes Hubbard has provided with respect to these claims, and will also review the information you have provided. However, I am not in a position to confirm that Mr. Rosekrans's funds were transferred to any proprietary account of LBI and did not purport to issue any such confirmation on Tuesday's call.

We anticipate having further discussions with Hughes Hubbard about these alleged third party claims against LBI's accounts in the coming weeks. Because we are not at liberty

John P. Christian

2

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

to discuss accounts of Citibank customers with third parties, we suggest that you direct further inquiries into the status of your client's alleged claims against LBI to Hughes Hubbard.

In addition, on Wednesday I received a voice mail from Mr. Rosekrans. Please understand that I am unable to return his call given that he is represented by counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Rebecca Zubaty', with a long horizontal flourish extending to the right.

Rebecca Zubaty

**John Christian**

---

**From:** Lubell, Daniel S. [lubell@hugheshubbard.com]  
**Sent:** Monday, June 08, 2009 3:54 PM  
**To:** jchristian@tobinlaw.com  
**Subject:** Re: John Rosekrans  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

John, I've been out of the office on trial. We made a proposal to Citi regarding constructive trust type claims like Rosekrans in the context of global settlement negotiations. We're waiting to hear back. We are trying to get to a global settlement before July 15. I am back in the office Wed and Thurs, but will be in a better place to speak next week if you'd like to discuss. Dan

---

**From:** John Christian  
**To:** Lubell, Daniel S.  
**Sent:** Mon Jun 08 17:58:06 2009  
**Subject:** John Rosekrans

Mr. Lubell – Citibank's counsel is pushing back on this matter, on the basis that my client, John Rosekrans, is a Lehman customer, not a Citibank customer. Nine months have transpired since Mr. Rosekrans attempted to access his funds. Can you please advise where matters stand?

John P. Christian, Esq.  
Tobin & Tobin  
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San Francisco, CA 94111  
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415-772-9615 (direct dial)  
415-433-3883 (fax)  
[www.tobinlaw.com](http://www.tobinlaw.com) (website)  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com) (e-mail)

---

**From:** Glenda Broome [mailto:gbroome@tobinlaw.com]  
**Sent:** Monday, June 08, 2009 2:22 PM  
**To:** John Christian  
**Subject:** John Rosekrans

\*\*\*\*\*

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\*\*\*\*\*

## John Christian

---

**From:** Lubell, Daniel S. [lubell@hugheshubbard.com]  
**Sent:** Friday, October 30, 2009 4:06 PM  
**To:** jchristian@tobinlaw.com  
**Subject:** Re: John Rosekrans

John,

I am not presently in the office to refamiliarize myself with the specifics of Rosekrans' wire into LBI's Citi UK account and the status of his LBI account. Did the LBI account go over to Barclays in the Lehman sale and is he now still a Barclays customer. If yes, there is one set of people I need to contact and prospects for a faster recovery are greater. If not, I will likely refer you to another law firm that is handling Citi issues. (I assume I am correct about Rosekrans funds being caught in a Citi-UK acct). There is also the people handling his customer claim (which I assume was filed before the bar date). I will get back to you again early next week, but you should let me know as soon as you know the status of the transfer of Rosekrans acct from LBI to Barclays or elsewhere.

Regards,

Dan

---

**From:** John Christian  
**To:** Lubell, Daniel S.  
**Sent:** Fri Oct 30 18:20:34 2009  
**Subject:** RE: John Rosekrans

Dan – it seems we were hearing all the right kind of noises towards resolution over the summer months. Lately, not so much. My client is serious now about pursuing a Rule 2004 examination to get to the bottom of this – where are his funds, and what is the status of getting them freed. I would appreciate your suggestion as to who would be the person most knowledgeable about Rosekrans' account history, post-petition, so we can schedule a convenient date. Flights to NYC have never been cheaper, but we will want to be efficient about all of this; it's been over a year since our client had access to his money. Could you please get back to me on this? Thanks.

John P. Christian, Esq.  
Tobin & Tobin  
500 Sansome Street, 8th Floor  
San Francisco, CA 94111  
415-433-1400  
415-772-9615 (direct dial)  
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[www.tobinlaw.com](http://www.tobinlaw.com) (website)  
[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com) (e-mail)

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**Sent:** Monday, June 08, 2009 3:54 PM  
**To:** jchristian@tobinlaw.com  
**Subject:** Re: John Rosekrans

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6/16/2010

---

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**To:** Lubell, Daniel S.

**Sent:** Mon Jun 08 17:58:06 2009

**Subject:** John Rosekrans

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John P. Christian, Esq.

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[www.tobinlaw.com](http://www.tobinlaw.com) (website)

[jchristian@tobinlaw.com](mailto:jchristian@tobinlaw.com) (e-mail)

---

**From:** Glenda Broome [<mailto:gbroome@tobinlaw.com>]

**Sent:** Monday, June 08, 2009 2:22 PM

**To:** John Christian

**Subject:** John Rosekrans

\*\*\*\*\*

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## **EXHIBIT "F"**

James W. Giddens  
Trustee for the SIPA Liquidation of Lehman Brothers Inc.  
c/o Epiq Bankruptcy Solutions, LLC  
757 Third Avenue, 3<sup>rd</sup> Floor  
New York, NY 10017

*In re* Lehman Brothers Inc.

Case No. 08-01420 (JMP) SIPA

**NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM**

March 29, 2010

**VIA UPS OVERNIGHT**

JOHN S ROSEKRANS  
C/O STEPHEN PAPALE  
457 PARKER AVE  
SAN FRANCISCO, CA 94118

Re: Claim Number(s): 900000690  
591 (Duplicate of claim 900000690)  
Account Number(s): 83318054, 52518054

Dear Claimant:

**PLEASE READ THIS NOTICE CAREFULLY**

The liquidation of the business of Lehman Brothers Inc. ("LBI") is being conducted by James W. Giddens (the "Trustee") under the Securities Investor Protection Act of 1970, as amended ("SIPA"), pursuant to an order entered on September 19, 2008 by the United States District Court for the Southern District of New York. You have submitted the above-referenced claim(s) (the "Claim") as a customer claim in this proceeding. This Notice is applicable only to the claim(s) and/or accounts identified above. If you filed other claims, additional notices will be issued.

The Trustee has made the following determination regarding your Claim:



Your Claim is ALLOWED as a net equity claim for cash in account 52518054 in the amount of \$921,904.30, which reflects activity through September 19, 2008 (the "Allowed Cash").

Your Claim for account 83318054 is DENIED. LBI records indicate that the above-referenced account(s) (the "Account") and all cash and securities related to the Account have been transferred to Barclays Capital Inc. ("BCI"). To the extent securities related to the Account were unavailable and could not be purchased for replacement, the Trustee has provided BCI with cash instead. An order approving the transfer of accounts to BCI was entered by the United States Bankruptcy Court, Southern District of New York, on December 14, 2009.

**RECEIPT BY THE TRUSTEE OF A DULY EXECUTED DECLARATION, RELEASE AND ASSIGNMENT IN THE FORM ATTACHED HERETO (the "Release") IS REQUIRED FOR RECEIVING DISTRIBUTIONS OF ALLOWED CLAIMS WHEN THEY BEGIN.** Distributions will be made in proportion to a claimant's share of available customer property and will be made based on the Trustee's best estimate of available customer property at the time of distribution, and may in some instances include cash in lieu of securities in accordance with SIPA. Distribution may take place in multiple installments over time and will require coordination with and cooperation from various third party custodians, which may delay some or all transfers. Distribution of customer name securities will be made in accordance with SIPA. Please note, no determination is being made as to the validity or allowed amount of any amounts you may have claimed for cash and/or securities, if any, received by the Trustee after September 19, 2008. Such property is not part of the net equity calculation, and the determination of any such claim will be dealt with separately in the Trustee's continuing administration of the estate. Depending on your contractual arrangements with Lehman Brothers Inc. or other Lehman entities, or by operation of law based on those relationships, distributions on your allowed amount as set forth above may be subject to liens or security interests held by another Lehman entity.

If you accept the Trustee's determination, please sign, date, and have notarized the enclosed Release, and return it to us at your earliest convenience. We recommend that you retain a copy for your records. **PLEASE NOTE THAT THE RELEASE REQUIRES YOU TO CONFIRM TO THE TRUSTEE, UNDER PENALTY OF PERJURY, THAT YOU HAVE NOT RECEIVED ANY PAYMENTS OR TRANSFERS OF THE ALLOWED SECURITIES AND/OR THE ALLOWED CASH THROUGH THE DATE OF THE RELEASE.** Kindly provide instructions for the transfer of securities and cash on the form provided. To expedite the distribution process, we recommend that you provide email addresses for you and your broker dealer. Upon receipt of the duly executed Release, a Trustee representative will contact you and your new broker to facilitate the transfer of the Allowed Securities and the Allowed Cash to your new brokerage account. Completed releases must be sent to the following address:

Epiq Bankruptcy Solutions LLC  
757 Third Avenue, Ste. 302  
New York, New York 10017-2063

**PLEASE TAKE NOTICE:** If you disagree with this determination and desire a hearing before Bankruptcy Judge James M. Peck, you **MUST** file your written opposition, setting forth (i) the claim number; (ii) a detailed statement of the reasons for your objection to the Trustee's determination; (iii) copies of any document or other writing upon which you rely; and (iv) mailing, phone, and email contact information, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** of the date of this notice.

**PLEASE TAKE FURTHER NOTICE:** If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

**PLEASE TAKE FURTHER NOTICE:** You must file your opposition in accordance with the above procedure electronically with the Court on the docket of *In re Lehman Brothers Inc.*, Case No. 08-01420 (JMP) SIPA in accordance with General Order M-242 (available at [www.nysb.uscourts.gov/orders/orders2.html](http://www.nysb.uscourts.gov/orders/orders2.html)) by registered users of the Court's case filing system and by all other parties in interest on a 3.5 inch disk, preferably in Portable Document Format (PDF), Microsoft Word or any other Windows-based word processing format.

If you do not have means to file your opposition electronically, you may mail your opposition to:

Clerk of the United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004

**PLEASE TAKE FURTHER NOTICE:** You must serve your opposition upon the Trustee's counsel by mailing a copy to:

Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, NY 10004  
Attn: LBI Hearing Request

Attorneys for James W. Giddens, Trustee for  
the SIPA Liquidation of Lehman Brothers Inc.

Very Truly Yours,

James W. Giddens  
Trustee for the SIPA Liquidation of  
Lehman Brothers Inc.

*In re Lehman Brothers Inc.*

Case No. 08-01420 (JMP) SIPA

DECLARATION, RELEASE AND ASSIGNMENT

CLAIMANT: JOHN S ROSEKRANS

CLAIM NO.: 900000690  
591 (Duplicate of claim 900000690)

ACCOUNT NO.: 83318054, 52518054

The above-named claimant ("Claimant"), having submitted the above-referenced claim(s) (the "Claim") to James W. Giddens (the "Trustee"), as Trustee for the Liquidation of Lehman Brothers Inc. ("LBI"), hereby declares to the Trustee, under penalty of perjury, that Claimant did not receive any payment or other transfer of the Allowed Cash and/or Securities as described in the Notice of Trustee's Determination of Claim dated March 29, 2010 for the above-referenced claim(s) and account number(s) (the "Notice") from LBI, or any entity or other person affiliated with LBI through the date of this declaration.

Claimant, on behalf of Claimant and his, her or their heirs, successors and assigns, contingent only upon receipt of the Allowed Cash and/or Securities as described in and pursuant to the terms of the Notice (the "Consideration") from the Trustee after receipt by the Trustee of this signed Declaration, Release and Assignment, hereby remises, releases, and forever discharges the Trustee and his agents, employees, professionals, successors and assigns, the Securities Investor Protection Corporation ("SIPC") and its agents, employees, officers, directors, professionals, successors and assigns, and the LBI estate (all of the foregoing, collectively, the "Released Persons") of and from any and all claims or causes of action arising out of or relating to the Claim, the circumstances that gave rise to the Claim, any account(s) Claimant had with LBI, and any other transactions or dealings with LBI or any entity or other person affiliated with LBI relating to the Claim, which the Claimant now has, or hereafter can, shall, or may have, for or by any reason of any cause, matter, or thing whatsoever, prior to and including the date of execution hereof. Claimant represents and warrants that it is aware of no liens or claims against the above-referenced account(s) (the "Account") or its contents, and acknowledges and agrees that, to the extent the Account or property contained therein may be subject to any liens or claim, delivery of the Consideration will be subject to any such liens or claims.

Notwithstanding any rights or remedies available to Claimant under applicable law, Claimant acknowledges and agrees to return immediately any property to the LBI estate that is later found by the Trustee or determined by a court (i) to have been distributed in error, (ii) to exceed claimant's proportional share of customer property, or (iii) to be subject to liens or claims of the LBI estate or any other entity or other person and will indemnify and hold harmless the Released Persons from and against any damages, costs or losses that may result from any assertion by any such other entity or other person of any such liens or claims.

Further, Claimant hereby assigns and transfers to the Trustee and SIPC all rights, including any and all claims and causes of action, and any proceeds derived therefrom, that Claimant may have against any party, arising out of or relating to the Claim, the circumstances that gave rise to the Claim and any account(s) Claimant had with LBI, to the extent of the Consideration.

Notwithstanding anything else herein to the contrary, claims for cash and/or securities, if any, received by the Trustee after September 19, 2008 are not deemed released hereby and the determination of any such claim will be dealt with separately in the Trustee's continuing administration of the estate.

Claimant further acknowledges the sufficiency of the Consideration and that Trustee may deliver such Consideration in multiple installments. Notwithstanding anything to the contrary herein, to the extent the Consideration is delivered in multiple installments, the releases set forth herein shall take effect only with respect to the portion of the Claim which has been satisfied by such portion of the Consideration.

WITNESS the due execution hereof, intending to be legally bound hereby, this \_\_\_\_ day  
of \_\_\_\_\_ 2010.

\_\_\_\_\_  
By:

Title:

Sworn to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public  
My commission expires:

Instructions for the transfer of cash for:

JOHN S ROSEKRANS  
C/O STEPHEN PAPALE  
457 PARKER AVE  
SAN FRANCISCO, CA 94118

Re: Claim Number(s): 900000690  
591 (Duplicate of claim 900000690)  
Account Number(s): 83318054, 52518054

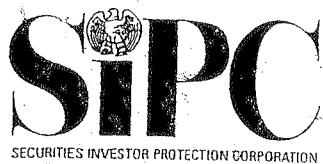
To: The Trustee for the SIPA Liquidation of Lehman Brothers Inc.

Please deliver the cash to satisfy my claim to:

Name of brokerage firm: WEUS FARGO INVESTMENTS LLC.  
Address: 420 MONTGOMERY ST., 7F MAC A0101-077.  
City/State/ZIP: SAN FRANCISCO, CA 94104.  
For my account (number): # 7954-2753.  
Account executive (name): STEPHEN PAPALE.  
Account executive telephone number: 415-222-2208.  
Account executive fax (or e-mail): SPAPALE @ WEUSFARGO.COM.

Signature(s) JOHN S. ROSEKRANS

Please complete and return this form with the Release.



**CUSTOMER CLAIM FORM**  
**LEHMAN BROTHERS INC.**

COPY

John S. Rosekrans

Account# 83318054

68 Locust Ave.

Mill Valley, CA 94941-2134

Daytime Phone:

415-388-6160.

Email:

JROSE@49ER.COM.

Contact Person:

JOHN ROSEKRANS.

Taxpayer I.D. Number

(Social Security No.):

588-84-0249.

**PLEASE NOTE**

- A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT.
- TO BE ELIGIBLE FOR THE MAXIMUM PROTECTION AFFORDED UNDER THE SECURITIES INVESTOR PROTECTION ACT ("SIPA"), ALL CUSTOMER CLAIMS SHOULD BE RECEIVED BY THE TRUSTEE ON OR BEFORE JANUARY 30, 2009; THE TRUSTEE WILL DETERMINE WHETHER CLAIMS MEET THE STATUTORY REQUIREMENTS FOR "CUSTOMER" CLAIMS UNDER SIPA; INCLUSION OF A CLAIM OR CLAIM TYPE ON THIS CLAIM FORM IS NOT DETERMINATIVE OF CUSTOMER STATUS UNDER SIPA.
- THE DEADLINE FOR FILING ALL CLAIMS IS JUNE 1, 2009. NO CLAIM WILL BE ALLOWED IF IT IS RECEIVED AFTER THAT DATE.
- ALL CLAIMS ARE DATED AS OF THE DATE RECEIVED BY THE TRUSTEE.
- YOU MAY FILE YOUR CLAIM ELECTRONICALLY ONLINE AT WWW.LEHMANTRUSTEE.COM OR SEND YOUR COMPLETED AND SIGNED CLAIM FORM TO THE TRUSTEE VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED.
- IF YOUR ACCOUNT HAS BEEN TRANSFERRED TO ANOTHER BROKERAGE FIRM, BUT YOU BELIEVE YOU HAVE A CLAIM FOR PROPERTY OWED TO YOU BY LEHMAN BROTHERS INC., YOU MUST FILE A CLAIM TO PROTECT YOUR RIGHTS.
- LEHMAN BROTHERS INC. IS THE ONLY LEHMAN ENTITY THAT IS A DEBTOR IN THIS SIPA LIQUIDATION PROCEEDING. THIS CUSTOMER CLAIM FORM APPLIES ONLY TO LEHMAN BROTHERS INC. AND DOES NOT APPLY TO ANY OTHER LEHMAN ENTITY, INCLUDING ANY ENTITY IN A PROCEEDING UNDER CHAPTER 11 OF TITLE 11 OF THE UNITED STATES CODE.

This claim form must be completed electronically online at www.lehmantrustee.com or mailed promptly, together with supporting documentation, to the following:

If by first class mail:

Lehman Brothers Inc. Claims Processing  
 c/o Epiq Bankruptcy Solutions, LLC  
 P.O. Box 6389  
 Portland, OR 97228-6389

If by overnight mail:

Lehman Brothers Inc. Claims Processing  
 c/o Epiq Bankruptcy Solutions, LLC  
 10300 SW Allen Blvd  
 Beaverton, OR 97005

JR

**1. CLAIM FOR MONEY BALANCES OR CASH AS OF SEPTEMBER 19, 2008:**

- a. LBI owes me a credit or cash in the amount of: Euro \$ 641,190.92
- b. I owe LBI a debit or cash in the amount of: \$ 0
- c. If you wish to repay the debit balance listed in point b. above please insert the amount you wish to repay and attach a check payable to "James W. Giddens, Trustee for the SIPA Liquidation of Lehman Brothers Inc." If you wish to make a payment, **it must be enclosed** with this claim form.

\$ \_\_\_\_\_

**2. CLAIM FOR SECURITIES AS OF SEPTEMBER 19, 2008:**

Please Do Not Claim Any Securities You Have In Your Possession

- |   | <u>YES</u>      | <u>NO</u> |
|---|-----------------|-----------|
|   | (Circle Y or N) |           |
| a. LBI owes me securities:  | Y               | N         |
| b. I owe LBI securities:  | Y               | N         |
| c. If yes to either, please list below (or in additional pages as necessary): |                 |           |

Trade Date of Transaction (mm/dd/yyyy)	Name of Security	CUSIP	Number of Shares or Face Amount of Bonds	
			LBI Owes Me (Long)	I Owe LBI (Short)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

If additional space is needed, attach additional pages providing the information in the exact format above.





3. COMMODITY FUTURES CLAIMS

YES NO  
(Circle Y or N)  
Y N

Do you have a claim based on a commodity futures account?

If the answer to the above question is "yes," please state the amount, and explain the basis for your claim below, attaching additional pages and supporting documents as necessary:

Amount of Claim: EUR \$ 641,190.92.

Basis for Claim: LEHMAN/BARCLAYS CAN NOT LOCATE A WIRE TRANSFER ON SEPT. 16 2008. THE FUNDS WERE "DEBITED" FROM ACCOUNT, ALTHOUGH NOT RECEIVED FROM/BY MY BANK. THE EURO'S WERE NOT REDEPOSITED INTO MY LEHMAN/BARCLAYS ACCT NOR CREDITED TO MY WELLS FARGO INVESTMENTS ACCT.

WHEN COMPLETING SECTIONS 1 THROUGH 3 PLEASE KEEP IN MIND:

- If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate that your claim is an estimated claim.
- Proper documentation can speed the review, allowance, and satisfaction of your claim.
- Please enclose: copies of your last LBI account statement; purchase or sale confirmation slips; copies of checks that relate to the securities or cash you claim; and any other documentation or correspondence you believe will be of assistance in processing your claim.
- Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement.
- If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CIRCLE THE APPROPRIATE ANSWER FOR ITEMS 4 THROUGH 11.

NOTE: IF "Y" IS CIRCLED FOR ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

YES NO  
(Circle Y or N)

4. Does your claim in any way relate to an entity other than Lehman Brothers Inc. (for example, Lehman Brothers Holdings Inc., or another Lehman subsidiary)?
5. Has there been any change in your account since September 19, 2008?

Y  
Y

N  
N



6. Are you or were you a party to a repurchase or reverse repurchase agreement, director, officer, partner, shareholder, lender to, or capital contributor of LBI? Y (N)
7. Are you related to, or do you have any business venture with, any of the persons specified in "6" above, or any employee or other person associated in any way with LBI? If so, give name(s). Y (N)
8. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of LBI? Y (N)
9. Is this claim being filed on behalf of a customer of a broker or dealer or bank? If so, provide documentation with respect to each customer on whose behalf you are claiming. Y (N)
10. Have you ever given any discretionary authority to any person to execute securities transactions with or through LBI on your behalf? Give names, addresses and phone numbers. Y (N)
11. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? If so, give name of that broker. Y (N)

Please list the full name, address, phone number, and email address of anyone assisting you in the preparation of this claim form:

Full name: STEPHEN PAPALE  
Address: 457 PARKER AVE.  
SAN FRANCISCO, CA 94118  
Phone number: 415-412-1413  
Email address: SRPAPALE@PACBELL.NET

If more than one person is assisting you, attach additional pages providing the information in the exact format above.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF UP TO \$50,000 OR IMPRISONMENT OF UP TO FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date 12-29-08 Signature [Signature]  
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

## UNITED STATES BANKRUPTCY COURT Southern District of New York

## PROOF OF CLAIM

Name of Debtor:  
Lehman Brothers, Inc.Case Number:  
08-01420 (JMP) SIPA

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

☐ Check this box to indicate that this claim amends a previously filed claim.Name and address where notices should be sent: 1000973027 LBI 12/1/2008 890052  
John S. Rosekrans  
68 Locust Ave.  
Mill Valley, CA 94941-2134Court Claim Number:  
(If known)

Telephone number:

415-388-6160

Filed on:

Name and address where payment should be sent (if different from above):

AS ABOVE

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Telephone number:

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed:

\$ EURO \$ 641,190.92.

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

2. Basis for Claim:

(See instruction #2 on reverse side.)

A EURO DOLLAR CASH BALANCE

3. Last four digits of any number by which creditor identifies debtor:

XXX-X8054

☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).☐ Wages, salaries, or commissions (up to \$10,950\*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).☐ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).☐ Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).

Amount entitled to priority:

\$

\*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other  
Describe:

Value of Property: \$ Annual Interest Rate %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ Basis for perfection:

Amount of Secured Claim: \$ Amount Unsecured: \$ EURO \$ 641,190.92.

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date:  
12-29-08

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

FOR COURT USE ONLY

If you would like to file your claim online please go to [www.lehmantrustee.com](http://www.lehmantrustee.com) and select the link for the online claim form. You will need the tracking number and mail id listed below to complete your claim online.

P0000L 0000\*\* -P01300 208724-S811 1613 A

Tracking Number: 892696 Mail ID: 890052



John S. Rosekrans  
68 Locust Ave.  
Mill Valley, CA 94941-2134

A handwritten signature in black ink, appearing to be a stylized 'R' or 'P' with a loop.

**Question #5. Page 3**

Has there been any change in your account since September 19, 2008?

Yes. I did not receive the EURO\$641,190.92 requested in my Letter of Authorization to wire funds submitted to Lehman Brothers/Barclays for action on September 16, 2008.

The Euro\$ were never received at my Wells Fargo Investments account nor were the Eurodollars re-deposited into my Lehman Barclays account XXX-X8054.

Several requests for tracing or status made to Lehman/Barclay's has not resulted in finding the EURO\$641,190.92.

Please see the attached spreadsheet "John Rosekrans Euro Cash Balance" Timeline and the referenced and numbered attachments.

A handwritten signature, possibly "JR", is located in the lower right quadrant of the page. It consists of a large, stylized capital 'R' with a loop at the top, and a capital 'J' or similar character to its left, with a long diagonal stroke extending downwards from the bottom of the 'R'.

John Rosekrans Euro Cash Balance				
	XXX-X8054			
Ref #	Activity	Activity	Euro balance	Comments
#1	28-Mar-08	Sell USD \$1,000,000 Buy EUR\$ 631,592.24	631,592.24	Initial EURO purchase/Trade Confirmation Report
#2	31-Mar-08			Lehman March 2008 statement w/commodity transaction
	Apr-08	interest earned		
#3	May-08	interest earned	633,597.96	June 08 monthly statement reflects May 08 closing balance
#3	Jun-08	interest earned	1,840.16	June 08 monthly statement reflects cash account balance in Euros
#4	2-Jul-08	interest earned	1,781.70	July 02 08 statement reflects Euro\$ balance & interest earned on 7/02/08
#5	21-Aug-08	interest earned	639,170.34	Aug 21 '08 statement reflects EUR\$639,170.34 Euro\$ balance
#6	15-Sep-08	wire instructions		wire instructions delivered to Lehman Brothers via fax.
#7	16-Sep-08	currency delivered out	641,190.92	transaction #144134950 shows currency delivered out
#8	16-Sep-08	currency delivered out	641,190.92	Sept 08 monthly statement reflects currency delivered out
#9	3-Sep-08	interest earned	2,020.58	Sept 08 monthly statement reflects EURO \$ and 9/03/08 interest earned
#10	18-Sep-08	Notified Lehman Euros via email Euros not received		Requesting Confirmation of Payment
#11	22-Sep-08	Lehman/Barclays will trace Euros not received		Email from Lehman/Barclays Ops Mgr re trace funds
#12	6-Oct-08	interest earned	948.45	Oct 08 statement DOES NOT reflect REDEPOSITED EUROS
#13	8-Dec-08	interest earned	952.48	
#14	19-Dec-08	Lehman/Barclays Ops Mgr to trace wire transfer		Second request to Trace Wired Funds

11

LEI BROTHERS INC.  
745 AVE  
NEW YORK, NY 10019

JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

FUTURES/FOREIGN EXCHANGE  
CONFIRMATION

MAR 28, 2008	
IR NUMBER	ACCOUNT
347	18054
Page 1	

US NON-SEGREGATED ACCOUNT

OPENING ACCOUNT BALANCES

LAR OCR  
OCR

FOREIGN EXCHANGE SETTLEMENTS

B/S	Base Currency	Maturity	Currency Pair	Counter Amount	Rate	Net Present Value
-----	---------------	----------	---------------	----------------	------	-------------------

tlement amounts shown below are reflected in the closing cash balance for each currency.

08 B 631,592.24CR 28MAR08 EUR/USD 1,000,000.00DB TYPE 1.5833000

ITEMIZED CASH ACTIVITY

08 FROM STK 18054 TO CMOY 18054

3/28/08 USD 1,000,100.00CR

CLOSING ACCOUNT BALANCES

LAR 631,592.24CR\*  
OCR\*

11

*[Handwritten signature]*

# LEHMAN BROTHERS

Brokerage account  
8054

JOHN S ROSEKRANS  
March 1 - March 31, 2008

#2

ACTIVITY

page 17 of 26

## Withdrawals

REF ID	Date	Tracking code	Reference No.	Amount	Comment
111901519	14 Mar 2008			\$ 142,626.93	
AMERICAN NATIONAL BANK					
REPUBLIC TITLE OF TEXAS, IN					
FROM STK 833-18054 TO CMDY	28 Mar 2008			-1,000,000.00	
Total USD withdrawals				\$ 1,142,626.93	

## Interest

LEHMAN BANK CASH DEPOSIT ACCT	Date	Taxable aml.	Non-taxable aml.	Amount	Comment
	26 Mar 2008	\$ 1,626.27		\$ 1,626.27	MONTHLY INTEREST
					FOR 02/26/2008 - 03/25/2008
					29 DAYS YLD 2.21%

The taxable and non-taxable designations provided above refer to the US income tax treatment of distributions from your securities. The designations are accurate to the best of our knowledge. Clients should consult with a tax advisor regarding the tax treatment of their investments.

## Dividends

LEHMAN BROTHERS TAX-FREE MONEY FUND RESERVE CLASS	Date	Taxable aml.	Non-taxable aml.	Amount	Comment
	03 Mar 2008		\$ 3,331.33	\$ 3,331.33	MONTHLY DIVIDEND
					FOR PERIOD 02/01/08 - 02/29/08
					29 DAYS 7 DAY YIELD 2.24%

## NORTHROP GRUMMAN CORP

17 Mar 2008 428.46

428.46

CASH DIV ON 1158 SHS  
REC 03/03/08 PAY 03/15/08

## FREDDIE MAC

31 Mar 2008

674.65

674.65

CASH DIV ON 1000 SHS  
REC 03/17/08 PAY 03/31/08

## PERPETUAL PREFERRED STOCK

Total USD dividends

\$ 1,103.11

\$ 3,331.33

\$ 4,434.44

Total USD dividends - 2008

\$ 1,103.11

\$ 3,331.33

The taxable and non-taxable designations provided above refer to the US income tax treatment of distributions from your securities. The designations are accurate to the best of our knowledge. Clients should consult with a tax advisor regarding the tax treatment of their investments.

## Other activity

LB ADVISOR SERIES - INTERNATIONAL GROWTH EQUITY LP	Type	Date	Quantity
	Journal	04 Mar 2008	-9,149.967

## EXCHANGE TO 9N397130

LEHMAN BROTHERS ADVISOR SERIES

Journal 04 Mar 2008

9,149.967

INTL GROWTH EQUITY LP CLASS E

Journal

04 Mar 2008

9,149.967

SERIES 1

Journal

04 Mar 2008

9,149.967





MAN BROTHERS INC.  
157TH AVE  
NEW YORK, NY 10019

Monthly Statement For: JUN 01, 2008 through JUN 30, 2008

JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

Salesman Account  
62525347 8054

U/S NON-SEGREGATED ACCOUNT

Page 1

86		Filed 06/17/10		Entered 06/21/10	
Profit and Loss		Futures		Commission	
Long Premium		Options		Fees	
Short Premium		Options		Fees	
Commission		Fees		Fees	
Fees		Fees		Fees	
Fees		Fees		Fees	
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#3

#2

#4

JOHN S. ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

**FUTURES/FOREIGN EXCHANGE  
CONFIRMATION**

JUL 02, 2008	
IR NUMBER	ACCOUNT
347	8054
Page 1	

US NON-SEGREGATED ACCOUNT

OPENING ACCOUNT BALANCES - - - -

635,438.12CR

- - - - - ITEMIZED CASH ACTIVITY - - - - -

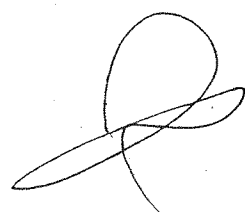
INTEREST EARNED

7/02/08 EUR

1,781.70CR

CLOSING ACCOUNT BALANCES - - - - -

637,219.82CR\*



#4

#5

JOHN S ROSEKRANS  
 68 LOCUST AVE.  
 MILL VALLEY, CA 94941-2134

FUTURES/FOREIGN EXCHANGE  
DAILY STATEMENT

AUG 21, 2008	
IR NUMBER	ACCOUNT
347	8054
Page 1	

US NON-SEGREGATED ACCOUNT

- OPENING ACCOUNT BALANCES - - - -

639,170.34CR

CLOSING ACCOUNT BALANCES - - - -

639,170.34CR\*

MARGIN REQUIREMENT SUMMARY		
Margin Requirement	Equity	Margin
Initial	Excess/Deficit	Call/Excess
OCR	639,170.34CR	639,170.34CR
Due in Base Currency		
OCR	950,894.35CR	950,894.35CR

ACCOUNT VALUE SUMMARY					
Account Balance	Unrealized G/L on Futures	Net Present Value on Forwards	Net Option Value	Collateral Market Value	Net Liquidating Value
639,170.34CR	OCR	OCR	OCR	OCR	639,170.34CR
Due in Base Currency					
950,894.35CR	OCR	OCR	OCR	OCR	950,894.35CR

CURRENCY CONVERSION RATES \*\*\*\*\*  
 Currency - USD \*  
 /RO EUR 1.4877010 \*  
 \*\*\*\*\*

R

#5

#6

Date:

Jun 15 2008

Lehman Brothers Inc.  
555 California St., 30<sup>th</sup> Floor  
San Francisco, California 94104

Re: Future/Foreign Exchange Account [REDACTED] 8054  
Remittance of Euro (EUR) wire payments

Dear Account Representative,

Please accept this authorization to wire the full balance of my account, account [REDACTED] 8054.  
Please instruct the initiating bank to route the payment as follows:

*Intermediary Bank:* Deutsche Bank AF Frankfurt AM Main  
*Intermediary Bank SWIFT BIC:* DEUTDEFF

*Beneficiary's Bank:* Wells Fargo Bank, N.A.  
*Beneficiary's Bank SWIFT BIC:* WFBIUS6S

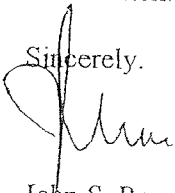
*Beneficiary's Account Number:* [REDACTED] 2753  
*Beneficiary's Name:* John S. Rosekrans Trust Dtd 6/6/08  
*Beneficiary's Address:* 68 Locust Ave.  
(Swift Field 59) Mill Valley, CA 94941  
Attention: FX Department / Chris Jackson

Please note: Subject to agreement between remitter and beneficiary, fees resulting from this wire should be processed using one of the following SWIFT standards:

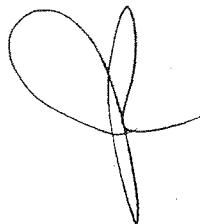
OUR: Remitter pays all fees  
SHA: Remitter pays initiating bank fees and first intermediary bank fees. Beneficiary pays any additional fees  
BEN: Remitter pays initiating bank fees. Beneficiary pays first intermediary bank and any additional fees.

Thank you for your assistance to this request. Please call me if you have any information.

Sincerely,



John S. Rosekrans  
(415) 388-6160



#6

#7

7TH AVE  
YORK, NY 10019



JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

000346

**FUTURES/FOREIGN EXCHANGE  
CONFIRMATION**

SEP 16, 2008	
IR NUMBER	ACCOUNT
678	8054
Page 1	

US NON-SEGREGATED ACCOUNT

-- OPENING ACCOUNT BALANCES --

641,190.92CR

----- ITEMIZED CASH ACTIVITY -----

08 CURRENCY DELIVERED

144134950

9/16/08 EUR

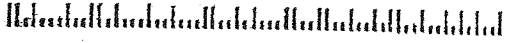
641,190.92DB

- CLOSING ACCOUNT BALANCES -

0CRX

#7

6 PARK AVE  
NEW YORK, NY 10166



JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

002065

#8

FUTURES/FOREIGN EXCHANGE  
MONTHLY STATEMENT

SEP 2008	
IR NUMBER	ACCOUNT
678	8054
Page 1	

US NON-SEGREGATED ACCOUNT

--- OPENING ACCOUNT BALANCES ---  
639,170.34CR

--- ITEMIZED CASH ACTIVITY ---  
3/08 INTEREST EARNED 9/03/08 EUR 2,020.58CR  
6/08 CURRENCY DELIVERED 9/16/08 EUR 641,190.92DB  
CLOSING ACCOUNT BALANCES --- Total Cash EUR 639,170.34DBxx

--- PROFIT & LOSS SUMMARY ---  
Futures Options Options  
Profit and Loss Long Premium Short Premium Commission Fees

#8

Handwritten signature

#9

|||||

JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

590200

FUTURES/FOREIGN EXCHANGE  
MONTHLY STATEMENT

SEP 2008	
IR NUMBER	ACCOUNT
678	8054
Page 1	

US NON-SEGREGATED ACCOUNT

OPENING ACCOUNT BALANCES - - - -  
639,170.34CR

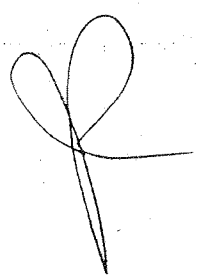
ITEMIZED CASH ACTIVITY - - - - -

08 INTEREST EARNED	9/03/08 EUR	2,020.58CR
08 CURRENCY DELIVERED	9/16/08 EUR	641,190.92DB
CLOSING ACCOUNT BALANCES - - - -	Total Cash EUR	639,170.34DB**

PROFIT & LOSS SUMMARY - - - - -

Futures	Options	Options	Commission	Fees
Profit and Loss	Long Premium	Short Premium		

#9



10

Clark, Nerissa R.

From: Pages, Cindy C [cynthia.pages@lehman.com]  
Sent: Thursday, September 18, 2008 9:04 AM  
To: Clark, Nerissa R.  
Subject: FW: Confirmation of Payment

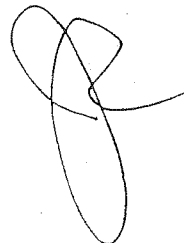
Here is the wire ref number along with the Swift Message of the wire.

# 10

FX144134950

S/GCCMOUT 0695T  
ST/481095SW N  
AV/46F94F2F  
AO/SLIIGB2LSLIIGB2LXXX  
AS/ NNormal  
AX/SLIIGB2LXXX  
AM/FRWE  
1:F01SLHIUS3XXXXX0000000000}{2:I103CITIGB2LXXXXN}{4:  
20:FX144134950  
23B:CRED  
32A:080916EUR641190,92  
50K:/10000014DUSE  
LEHMAN BROTHERS INC.  
45 7TH AVENUE NEW YORK US  
53B:/10640409  
56A:DEUTDEFFXXX  
57A:WFBUIUS6SXXX  
59:/79542753  
JOHN S. ROSEKRANS TRUST DTD 6-6-08  
71A:OUR  
72:/BNF/ATTN FX DEPARTMENT  
CHRIS JACKSON

-----  
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Papale, Stephen R.

# 11

From: Loggins, Ashanti [ALoggins@LEHMAN.COM]  
Sent: Monday, September 22, 2008 12:05 PM  
To: Papale, Stephen R.  
Subject: RE: Confirmation of Payment (John S. Rosekrans) EUR 641,190.92

Unfortunately, we haven't been able to get confirmation of any outgoing payments since we are in the middle of a conversion. I will send confirmation to you once I have it and when I find out more information.

---Original Message-----

From: Spapale@wellsfargo.com [mailto:Spapale@wellsfargo.com]  
Sent: Monday, September 22, 2008 11:29 AM  
To: Loggins, Ashanti  
Cc: cindy.pages@lehman.com; Dower, Harriet  
Subject: FW: Confirmation of Payment (John S. Rosekrans) EUR 641,190.92  
Importance: High

Ashanti,

Is there anything I can do from this end to reverse trace the EUR transfer?

Thanks,

Steve Papale

---Original Message-----

From: Papale, Stephen R.  
Sent: Friday, September 19, 2008 8:33 AM  
To: 'hdower@lehman.com'  
Cc: Clark, Nerissa R.; Jackson, Christopher S. (FX INTL)  
Subject: FW: Confirmation of Payment (John S. Rosekrans)  
Importance: High

Harriet,

Thanks for your help and let's talk.

How are the wire details that Cindy sent to us. The wire out from Lehman on September 16 for EUR641,190.92.

Line 20 in the instructions there should be a "TRN ref #" and if Wells had that we might reverse inquiry from our side.

Is FX contact is Chris Jackson 415-371-6641.

Thanks

Stephen Papale  
Wells Fargo Investments LLC  
spapale@wellsfargo.com  
5) 222-2208

# 11

---Original Message-----

From: Clark, Nerissa R.  
Sent: Thursday, September 18, 2008 9:07 AM  
To: Jackson, Christopher S. (FX INTL)

From: Papale, Stephen R.  
 Subject: FW: Confirmation of Payment (John S. Rosekrans)  
 Importance: High

Chris,

Below is information received from Lehman regarding the wire transfer.  
 Please let me know if you will need more information.

Nerissa

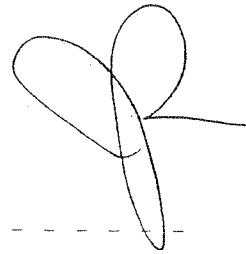
-----Original Message-----

From: Pages, Cindy C [mailto:cynthia.pages@lehman.com]  
 Sent: Thursday, September 18, 2008 9:04 AM  
 To: Clark, Nerissa R.  
 Subject: FW: Confirmation of Payment

Here is the wire ref number along with the Swift Message of the wire.

FX144134950

/S/GCCMOUT 0695T  
 /ST/481095SW N  
 /AV/46F94F2F  
 /AO/SLIIGB2LSLIIGB2LXXX  
 /AS/ NNormal  
 /AX/SLIIGB2LXXX  
 /AM/FRWE  
 (1:F01SLHIUS3XXXXX000000000000)(2:I103CITIGB2LXXXXN)(4:  
 :20:FX144134950  
 :23B:CRED  
 :32A:080916EUR641190,92  
 :50K:/10000014DUSE  
 LEHMAN BROTHERS INC.  
 745 7TH AVENUE NEW YORK US  
 :53B:/10640409  
 :56A:DEUTDEFFXXX  
 :57A:WFBIUS6SXXX  
 :59:/79542753  
 JOHN S. ROSEKRANS TRUST DTD 6-6-08  
 :71A:OUR  
 :72:/BNF/ATTN FX DEPARTMENT  
 /CHRIS JACKSON  
 -}



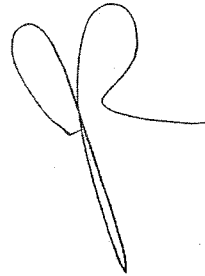
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Pg 51 of 57

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#11  
8 3

A handwritten signature or set of initials, possibly 'JR' or 'JR', written in a cursive style.

P 52 57

#12

BARCLAYS CAPITAL INC.  
200 PARK AVE  
NEW YORK, NY 10166



JOHN S ROSEKRANS  
68 LOCUST AVE.  
MILL VALLEY, CA 94941-2134

000212

**FUTURES/FOREIGN EXCHANGE  
CONFIRMATION**

OCT 06, 2008	
IR NUMBER	ACCOUNT
678	8054
Page 1	

US NON-SEGREGATED ACCOUNT

- OPENING ACCOUNT BALANCES - - - -

OCR

- - - - - ITEMIZED CASH ACTIVITY - - - - -

INTEREST EARNED

10/06/08 EUR

948.45CR

CLOSING ACCOUNT BALANCES - - - -

948.45CR

#12

#13

BARC CAPITAL INC.  
200 PARK AVE  
NEW YORK, NY 10166

FUTURES/FOREIGN EXCHANGE  
DAILY STATEMENT

DEC 08, 2008	
IR NUMBER	ACCOUNT
015	8054
Page 1	

US NON-SEGREGATED ACCOUNT

```

-- OPENING ACCOUNT BALANCES -----
-- CLOSING ACCOUNT BALANCES -----
-- MARGIN REQUIREMENT SUMMARY -----
Margin Requirement
Initial
OCR
Value in Base Currency
OCR
Equity
Excess/Deficit
952.42CR
Margin
Call/Excess
952.42CR
1,233.93CR
1,233.93CR
ACCOUNT VALUE SUMMARY
Account Balance
952.42CR
Value in Base Currency
1,233.93CR
Unrealized G/L on Futures
OCR
Net Present Value on Forwards
OCR
Net Option Value
OCR
Collateral Market Value
OCR
Net Liquidating Value
952.42CR
1,233.93CR
** CURRENCY CONVERSION RATES **
Currency - USD
EURO EUR 1.2955838
  
```

#13

*[Handwritten signature]*

**Papale, Stephen R.**

**From:** ashanti.loggins@barclayswealth.com  
**Sent:** Friday, December 19, 2008 11:47 AM  
**To:** Papale, Stephen R.  
**Cc:** jrose49er@sbcglobal.net  
**Subject:** RE: Rosekrans Wire Transfer EUR 641,190.92 on September 16, 2008

Steve,

The issue is being investigated. I received the swift message yesterday and back up details of the wire and have sent it to the appropriate parties for further research. I will advise as soon as I hear back.

---

**From:** Spapale@wellsfargo.com [mailto:Spapale@wellsfargo.com]  
**Sent:** Friday, December 19, 2008 11:43 AM  
**To:** Loggins, Ashanti: Barclays Wealth  
**Cc:** jrose49er@sbcglobal.net  
**Subject:** Rosekrans Wire Transfer EUR 641,190.92 on September 16, 2008

Hi Ashanti,

<<Rosekrans EUR 641,190.92 September 16 08.doc>>

Hope all is well.

Have you been able to determine that these Euros were actually delivered out as per the September 16, 2008 LOA and the a/c 52518054 statement? Wells Fargo has not received them.

If you can confirm that they were delivered out can you advise where they currently reside? Or put a trace on the attached wire instructions.

Thanks for your help.

**Stephen Papale**

*Wells Fargo Investments LLC*

*420 Montgomery St., 7F*

*San Francisco, CA 94104*

*(415) 222 - 2208 Direct*

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- Are Not deposits of or guaranteed by the bank or any bank affiliate
- May Lose Value

#14 PR

#14 82

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STIFF  
ACCOUNT NUMBER: 861  
CUSTOMER

DAILY MARGIN EQUITY REPORT  
LEHMAN BROS. NEW YORK  
LEHMAN BROTHERS INC  
FOR 1/12/09

1/12/09 22:08:18  
PAGE 5245

SLSPSN/ACCTNO/REGCOD: ( 61525015 / 52518054 / 02 ) JOHN S ROSEKRAUS

EUR CLOSING ACCOUNT BALANCES 642,143.34CR

EUR MARGIN REQUIREMENT 642,143.34CR  
EUR Initial Margin Requirement 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR

USD 642,143.34CR  
EUR Account Balance 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR

EUR 642,143.34CR  
USD 642,143.34CR  
EUR Account Balance 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR

EUR 642,143.34CR  
USD 642,143.34CR  
EUR Account Balance 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR

EUR CLOSING ACCOUNT BALANCES 642,143.34CR  
EUR MARGIN REQUIREMENT 642,143.34CR  
EUR Initial Margin Requirement 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR  
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EUR Account Balance 642,143.34CR  
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USD 642,143.34CR  
EUR Account Balance 642,143.34CR  
EUR Total Value in Base Currency 642,143.34CR



